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**Remarks**

Applicant's attorney thanks Examiner Haney for the courtesy she extended during the recent telephone conversations concerning this application, and her advising us that the Notice of Non-Compliance will be treated as a first response because the RCE fee has already been paid. Accordingly, the present response is being filed together with a request under 37 CFR §1.136 for a one month extension of time to reply through January 22, 2007.

**Specification**

No objections have been made to the previously-filed amendments to paragraphs [0039], [0053] and [0057] so it is believed that the corrections to the previously-submitted claims puts the entire amendment in compliance.

**Claims**

Claims 1-30 are pending in the application. In an effort to clarify Applicant's previously submitted arguments, Applicant cancels these claims and substitutes therefor new Claims 31-62, as attached.

**Claim Rejection - 35 USC 103**

Original Claims 1-23, 27 and 28 were rejected under 35 USC 103(a) in view of Herzberg (US 3,105,970) in view of Helen Joseph-Armstrong's "Pattern Making for Fashion Design" (pp. 226-227, 217). This rejection was repeated in the final rejection.

In an attempt to clarify Applicant's arguments for patentability, new independent claims 31, 43 and 55 have been substituted for original Claims 1, 13 and 24.

In particular, the Examiner has argued that the *Herzberg* reference does not teach having front and rear panels with different lengths but otherwise describes Applicant's invention. The Examiner then turns to the *Joseph-Armstrong* reference to illustrate a sewing technique for forming pleats by extending or lengthening a panel and folding the panel to form the pleats, thus returning the panel to its original size and states it would be obvious to modify *Herzberg* to arrive at Applicant's invention.

The new claims and these remarks more clearly characterize the invention as a scarf that, by seaming together a front panel and a rear panel, with the front panel being larger than the rear panel, creates an insulating air chamber.

The new claims attempt to clarify to the Examiner that Applicant is not returning the front panel to its "original size". Indeed, the formation of Applicant's air chamber depends upon the front and rear panels being of different sizes. What Applicant has done is to bunch the front panel at its edges so that the peripheral edges of the front and rear panels can be seamed together, retaining the excess front panel material to form the air chamber.

In particular, new claims 35, 46 and 58 now recite that it is the peripheral edges of the front and rear panels that are substantially congruent after the front panel edge has been bunched. As the Examiner points out, *Herzberg* does not teach front and rear panels of different sizes. In fact, *Herzberg* neither shows nor suggests anything other than a scarf made from plies that are identical in size and shape, requiring no bunching to make a peripheral seam joining the plies together.

Our understanding of the manner in which the Examiner has applied *Joseph-Armstrong* is the teaching of pleat-making on a pattern panel by extending the panel to make it larger and folding it to form pleats that extend across the panel from one peripheral edge to the other, resulting in a pleated panel that is the same size as the original panel.

We contend that, if the garment of *Joseph-Armstrong* were seamed about its entire periphery (as taught by *Herzberg*), it would close off the sleeves, collar and bottom, making it unable to be worn. If the scarf of *Herzberg* were pleated (as taught by *Joseph-Armstrong*) it would have a front pleated panel identical in size to the unpleated front panel. Neither combination results in the creation of an air chamber.

Applicant respectfully contends that there is no teaching in either *Herzberg* or *Joseph-Armstrong* to teach or suggest Applicant's construction. Instead, any combination of these two references to produce a scarf would, we contend, result in a scarf having a front panel with pleats

that is the same size and shape as the rear panel, a construction which differs from that of Applicant.

New claims 31-62 are appended. Applicant respectfully contends that the application, with new claims 31-62 is in condition for allowance and passage to allowance is respectfully requested.

Should the Examiner have any remaining questions, please telephone the undersigned directly.

I hereby certify that the foregoing correspondence, consisting of RESPONSE TO NOTICE OF NON-COMPLIANCE and REQUEST PURSUANT TO 37 CFR §1.136, is being sent by facsimile transmission on January 22, 2007, addressed to Examiner Richale Haney at 571.273.8300.

Respectfully submitted,



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